

REMARKS

In the restriction requirement, the Examiner asserts that the claims recited within the instant application are allegedly organized into three groups of claims. The Examiner, on page 2 of the restriction requirement describes these groups as follows:

- "I. Claims 1-11, 14, and 18-21, drawn to database schema or data structure, classified in class 707, subclass 100.
- II. Claims 12-13 and 15-17, are drawn to reading in structures, and creating tables, reconstructing nodes, in short, generating database or database structures, classified in class 707, subclass 102."

As explained in MPEP § 803, "an application may properly be required to be restricted to one of two or more claimed inventions only if they are independent (MPEP § 806.04-§ 806.04(i)) or distinct (MPEP § 806.05-806.05(i))." A generic claim which may support a restriction of a genus/species set of claims is defined within MPEP § 806.04(d). Within this section of the MPEP, it is noted that "the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in the case in addition to a single species must contain all of the limitations of the generic claim."

The Applicants maintain that the above two groups are one invention recited within various embodiments and thus are not patently distinct. The Applicants maintain that both groups of claims all recite a computing device for guaranteeing fairness of transactions between multiple requestors.

As the Examiner notes above, the claims of Group I relate to database schema or data structures and the claims of Group II relate to reading in the structures of Group I, and creating tables based upon the structures and schema of Group I, and reconstructing nodes in a database using database structures and schema of Group I. As noted, claims in Group II recite inventions that generating database or database structures, the same structures defined in the claims of Group I.

Specifically, class 707 relates to Class 707 Data Processing: Database and File Management or Data Structures where sub-class 100 corresponds to: Database Schema or Data

Structure apply equally to both Group I and Group II. Similarly, class 707, subclass 102 corresponds to : Generating database or data structure that also applies to both Group I and Group II. In fact, sub-class 102, along with subclasses 101-104.1 are all sub-classes of the more general sub-class 100. A complete search this art for both groups of claims would reasonably include sub-class 100 and sub-class 102 as well as all of its related sub-classes: 1-10, 100-104.1, and 200-206. The Applicants respectfully maintain that a thorough search of prior art for both groups of claims require searching most, if not all of sub-claims in the same areas. As such, no additional effort would be required to examine all of these claims in the present application.

CONCLUSION

In view of the above arguments, it is submitted that the Election/Restriction requirement contained within Official Communications dated June 20, 2006 is improper. The Applicants respectfully request that the instant requirement be withdrawn.

Respectfully Submitted,

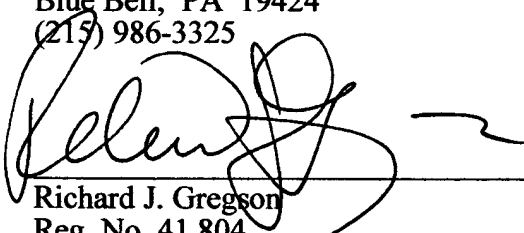
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